

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

NFX LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	1:16-cv-1062 (LMB/TCB)
	)	
NFX.COM,	)	
	)	
Defendant.	)	

ORDER

Before the Court is a Report and Recommendation (“Report”) issued by a magistrate judge on November 15, 2016 [Dkt. 15], which recommended that default judgment be entered against defendant NFX.com (“defendant domain name”). Report at 11. The parties were advised that any objections to the Report had to be filed within 14 days and that failure to file a timely objection waived the right to appeal the substance of the Report and any judgment based upon the Report. As of December 6, 2016, no party has filed an objection. The Court has reviewed the Report, plaintiff’s motion for default judgment, and the case file and adopts the Report.

The magistrate judge correctly determined that the Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338(a) because it involves a federal question arising under the Anti-cybersquatting and Consumer Protection Act (“ACPA”). The magistrate judge also correctly concluded that this Court has in rem jurisdiction over defendant domain name under 15 U.S.C. § 1125(d)(2)(A) because plaintiff alleges trademark infringement and the registry of defendant domain name, Verisign, Inc., is in this district. As this Court found in the Order entered on September 2, 2016, [Dkt. 6], service was properly effected on defendant

domain name under 15 U.S.C. § 1125(d)(2)(A)(ii), and the defendant has failed to respond to this lawsuit.

The Court finds that the magistrate judge correctly determined that plaintiff has pleaded the requirements for obtaining injunctive relief under the ACPA. Specifically, plaintiff has adequately pleaded that it possesses common law trademark rights in the domain name NFX.com by having registered it and used it in business. Report at 8–9. Moreover, the magistrate judge correctly found that the plaintiff is entitled to relief because the current registrant used the same domain name in bad faith with an intent to profit in violation of the ACPA. Report at 10.

Accordingly, the Report [Dkt. 15] is ADOPTED, plaintiff's Motion for Default Judgment as to Defendant NFX.com [Dkt. 11] is GRANTED, and it is hereby


ORDERED that default judgment be and is entered against defendant NFX.com; and it is further

ORDERED that the Registry of Record, Verisign, Inc., promptly change the registrar for the domain name NFX.com to a registrar selected by plaintiff.

The Clerk is directed to enter judgment in this matter pursuant to Fed. R. Civ. P. 55 and forward copies of this Order to counsel of record and claimant Zhaoyuechao.

Entered this 7<sup>th</sup> day of December, 2016.

Alexandria, Virginia

  
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Leonie M. Brinkema  
United States District Judge